IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

MFA.No. 1382 of 2001

OPMV.1638/1995 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
.....

APPELLANT/PETITIONER

MINOR ANJO THARAKAN, AGED 12 YRS,
S/O. ANTONY THARAKAN, REP. BY NATURAL
GUARDIAN AND FATHER ANTONY THARAKAN,
THARAKAN HOUSE, P.O. VELOOR, THRISSUR DIST.

BY ADV. SRI.N.J.JOHNSON

RESPONDENTS/2ND AND 3RD RESPONDENTS
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1. **K.B. JAYAKUMAR, S/O. BALAN, KOOLARIKKAL HOUSE,**
   HOUSE NO. 50/1992, EDAPPALLY, COCHIN.

2. **THE ORIENTAL INSURANCE CO. LTD.,**
   DIVISIONAL OFFICE, MUVATTUPUZHA.

BY ADV. SRI.VPK.PANICKER --- R2

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. Koshy & K.Hema, JJ.

M.F.A.No. 1382 of 2001

Dated this the 10th day of December, 2007

Judgment

Koshy,J.

Appellant/Claimant at the age of six met with an accident by which he suffered injury to his leg. No disability certificate was produced before the Tribunal. During the hearing of the appeal, a disability certificate was produced before us. We are of the opinion that that certificate has to be scrutinised and proved in evidence. Further examination of the appellant by the medical board to assess the percentage of disability is also necessary.

In the above circumstances, for giving an opportunity to adduce further evidence, we remand the matter for fresh consideration on the question of fixing the percentage of disability and quantum of compensation. Finding regarding negligence and liability of the insurance company are not interfered with.

Parties shall appear before the tribunal on 4.2.2008.

The appeal is allowed by way of remand.

J.B.Koshy
Judge

K. Hema
Judge

vaa

J.B. KOSHY AND
K.HEMA,JJ.

M.F.A. No. 1382 of 2001

Judgment

Dated:10th December, 2007